BLOGS

Important Judgement for CLAT 2024 : Bhadar Ram vs. Jassa Ram

Indrasish Majumder · 16 Mar 2023

Bhadar Ram vs. Jassa Ram

Dated: January 5, 2022

Bench: Justice M.R. Shah and Justice A.S. Bopanna

Background of the case

In the case before the court, the appellant, who was a scheduled caste from the State of Punjab, was not allowed to claim the benefit of a scheduled caste in the State of Rajasthan to buy the land of a scheduled caste person from the State of Rajasthan that had been given to the original allottee as a scheduled caste landless person.

The Court held that, merely because the same caste is recognised as a scheduled caste in the migrant state, a migrant cannot be recognised as a scheduled caste of that state. It was further held that the sale transaction in favour of the appellant was in clear breach and/or violation of Section 42 of the Rajasthan Tenancy Act, 1955, and Section 13 of the Rajasthan Colonization Act, 1954.

Facts of the case

1. The land in question is in the village of Dharamsinghwala, Rajasthan. The land was given to Chunilal, who was a landless Scheduled Caste person and the father of the respondent in this case. The original plaintiff (Chunilal) borrowed a sum of Rs. 5,000 from one Puran Singh in the year 1972, and under the guise of documentation, Puran Singh, belonging to the Jat High Caste, fraudulently made Chunilal sign the sale deed in favour of the appellant in this case, the original defendant, Bhadar Ram, who was a resident of Punjab.

2. Chunilal filed a suit for eviction against Puran Singh and Bhadar Ram, claiming that the land belonged to him and that the sale deed from June 21, 1972, is invalid and ineffective because it goes against Section 42 of the Rajasthan Tenancy Act, 1955, and Section 13 of the Rajasthan Colonization Act, 1954.
3. The learned Trial Court held by judgement and decree dated October 10, 1980 that the land was in the possession of Puran Singh, who was not a Scheduled Caste person, and that the sale deed is in violation of Section 13 of the Rajasthan Colonization Act, 1954, as well as in breach of Section 42 of the Rajasthan Tenancy Act, 1955, and therefore, the Puran Singh is liable to be evicted.
4. According to the case of the respondent, who was the original plaintiff, the learned trial court's ruling gave him possession of the land. The possession was found to be with Puran Singh and not with Bhadar Ram. Feeling aggrieved and dissatisfied with the judgement and order or decree passed by the learned trial court, the appellant—the original defendant—filed an appeal before the Revenue Appellate Division.
5. The Revenue Appellate Tribunal dismissed the appeal and the appellant-original defendant filed an appeal with the Board of Revenue, which was granted by an order dated April 25, 1989, thus granting the appellant-original defendant the benefit of compounding on the payment of compounding fees under Section 13 of the Rajasthan Colonization Act.
6. The original plaintiff filed a Writ Petition with the learned Single Judge of the High Court because he was upset and unhappy with the verdict and order against the respondent. The learned single judge of the High Court dismissed the said writ petition by judgement and order dated September 19, 1999.
7. The respondent (the original plaintiff) then filed an appeal before the Division Bench, and by the impugned judgement and order, the Division Bench of the High Court has allowed the said appeal and set aside the judgement and order passed by the learned Single Judge, holding that the appellant herein(the original defendant) being a resident and Scheduled Caste of the State of Punjab, could not have taken advantage of his status as a Scheduled Caste in the State of Punjab.
8. Feeling aggrieved and dissatisfied with the impugned judgement and order passed by the Division Bench of the High Court, the appellant (the original defendant, the purchaser of the land in question) has preferred the present appeal.

Issue

Whether the land transaction in favour of the appellant—the original defendant—was illegal and in violation of Section 42 of the Rajasthan Tenancy Act, 1955, and Section 13 of the Rajasthan Colonization Act, 1954, due to the appellant's status as a member of the Scheduled Caste in the state of Punjab?

Supreme Court's Observation

1. The Supreme Court said that the appellant lived in Punjab all the time and was a member of a "scheduled caste." The appellant, on the other hand, said that he had moved to Rajasthan and that his grandfather and father had bought farmland in that state. The bench said that the appellant couldn't be considered a regular resident of Rajasthan just because his grandfather and father bought farmland in the state.
2. The Supreme Court further observed that, as per Section 42 of the Rajasthan Tenancy Act, 1955, there is a restriction on the sale, gift, or bequest of property by a member of a scheduled caste in favour of a person who is not a member of a scheduled caste. Looking to the object and purpose of such a provision, the Bench opined, "The said provision is to protect a member of the Scheduled Caste belonging to the very state to which he belongs."
3. In the case of Marri Chandra Shekar Rao v. Geth G.S. Medical College, (1990) 3 SCC 130, the Supreme Court said that the Scheduled Castes and Scheduled Tribes in some states had to deal with social disadvantages and didn't have the resources to grow and develop. It is also said that a person who moves to another state for work, school, etc. is not usually considered a resident of that state. Even though a caste or tribe may have the same name in two states, the reasons why may be very different.Similarly, the degree of disadvantage of various specification input elements may be completely eliminated.

Judgement

1. The Supreme Court bench of Justice M.R. Shah and Justice A.S. Bopanna ruled that just because a certain caste is called a "scheduled caste" in State A, that does not mean that if there is another caste with the same name in another state, the person from the first caste is entitled to the same rights, privileges, and benefits as a member of the second scheduled caste.

2. The Apex Court further held that the appellant could not claim the benefit of a Scheduled Caste in the State of Rajasthan for the purpose of purchasing the land belonging to a Scheduled Caste person in the State of Rajasthan, which was given to the original allottee as a Scheduled Caste landless person, and therefore, as rightly held by the Division Bench of the High Court, the sale transaction in favour of the appellant was in clear breach of Section 42 of the Rajasthan Tenancy Act.
3. The Supreme Court concluded that no order of compounding in favour of the appellant or even Puran Singh could have been passed by the Board of Revenue in the exercise of power under Section 13(A)(2) of the Rajasthan Colonization Act. Hence, the sale was held to be in breach of Section 13 of the Rajasthan Colonization Act, 1954, and Section 42 of the Rajasthan Tenancy Act, 1955.